



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

4/14/2022 12:37:01 PM

Office of West Virginia  
Secretary Of State

**NOTICE OF PUBLIC COMMENT PERIOD**

AGENCY: Education

TITLE-SERIES: 126-014

RULE TYPE: Legislative  
Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: West Virginia Measure of Academic Progress  
(2340)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler,  
180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. v. Bd. of  
Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 05/16/2022 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Dr. Vaughn G. Rhudy, Director

ADDRESS: WVDE Assessment Services, Capitol Building 6, Suite 500

1900 Kanawha Blvd., E, Charleston, West Virginia 25305

EMAIL: vrhudy@k12.wv.us

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

Policy 2340 provides an operational framework to administer an effective and efficient statewide assessment program, provide procedures to protect the integrity of test data, and support the use of assessment data to improve instruction

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Policy 2340 is recommended for repeal and replacement to add new definitions and other testing regulations required by W. Va. Code and state policies, update terminology, and add and revise language for clarity.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

There will be no economic impact on revenues of state government as a result of the proposed amendment of 126CSR14, Policy 2340.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

There will be no economic impact on special revenue accounts as a result of the proposed amendment of 126CSR14, Policy 2340.

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

There will be no economic impact on the state or its residents as a result of the proposed amendment of 126CSR14, Policy 2340.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2022 Increase/Decrease (use "-")	2023 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

There will be no economic impact on revenues of state government, special revenue accounts, or the state or its residents as a result of the proposed amendment of 126CSR14, Policy 2340.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Michele L Blatt -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

**West Virginia Department of Education  
Office of Teaching and Learning / Assessment Services**

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**Policy 2340, West Virginia Measures of Academic Progress  
Executive Summary**

that any person identified as a school test coordinator and/or an assistant school test coordinator must complete all training required by the WVDE and/or the testing vendor, or the school could be prohibited from administering WV-MAP assessments; change reference from Teacher in Residence to clinical teacher of record program; and revise language to clarify transcribing student responses.

- §126-14-6. Reporting Regulations. Modify language as necessary to improve clarity of regulations; change *wrong-to-right erasure report* to *answer analysis report* to reflect computer-based test administration.
- §126-14-7. Test Security. Revise language to emphasize training is required for each assessment each school year; revise language regarding the use of electronic devices (7.9) during testing to allow for the use of personal health management devices for students who use these to monitor health conditions and non-embedded program or app to provide translation services as an accommodation if a human translator from their home language is unavailable; revise language to allow examiners to use cell phone or computer-based messaging during testing to communicate with the principal or school test coordinator to address immediate issues that might arise during testing.
- §126-14-8. Investigation of Alleged Cheating/Security Breach/Testing Administration Breach/Copyright Infringement. Revise language for clarity.
- Appendices. Change district to county and district test county to county test coordinator; change building level coordinator to school test coordinator (to be consistent with current WVBE terminology); add note to indicate where copies of notes should be kept; revise language for clarity and to ensure correct references to policy provisions.

**Impact:** The impact of these policy revisions will be to provide county and school personnel with clearer directions for test administration and test security. Specifically, the additions to policy will provide specific regulations for charter public schools, including virtual charter public schools. The inclusion of test requirements for students participating in virtual learning codifies the requirements previously provided to virtual learning students. Revision to language regarding the use of electronic devices will allow for more flexibility for students who require the use of personal health management devices and for examiners who need to contact the principal/school test coordinator if issues arise during testing.

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**Action:**

- ☒ Release for 30 day public comment.
- ☐ Approve by WVBE with effective date of \_\_\_\_/\_\_\_\_/20\_\_\_\_

**Policy 2340, West Virginia Measures of Academic Performance  
List of Stakeholders**

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**West Virginia Department of Education**

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**External Stakeholders**

- Rosella Amos, Elementary Teacher, Doddridge County
- Ingrida Barker, Assistant Superintendent and District Test Coordinator, McDowell County
- Dan Brokke, Executive Director, West Virginia Christian Education Association
- Carla Brown, District Test Coordinator, Roane County
- Vicky Cline, District Test Coordinator, Greenbrier County
- Janna Coleman, Elementary Principal, Fayette County
- Courtney Crawford, District Test Coordinator, Monongalia County
- Jon Duffy, District Test Coordinator, Kanawha County
- Gary Estep, Middle School Principal, McDowell County
- Wesley Ezell, District Test Coordinator, Doddridge County
- Melissa Farley, High School Teacher, Monongalia County
- Cathy Grewe, District Test Coordinator, Wood County
- Charles Hedrick, Superintendent, Pendleton County
- Mike Kelly, High School Principal, Kanawha County
- Robyn Lopez, District Test Coordinator, Berkeley County
- Sally Morgan, District Test Coordinator, Marion County
- Phyllis Samuelson, Middle School Teacher, Cabell County
- John Waugaman, District Test Coordinator, Wayne County
- Tammy Wells, Superintendent, Wetzel County
- Jeff Woofter, Superintendent, Barbour County

In addition to the above individuals, the county test coordinators from all 57 districts in West Virginia provided input on the proposed revisions.

National assessment experts who are members of the West Virginia Assessment National Technical Advisory Committee also reviewed and provided input.

**Internal Stakeholders**

- Nanette Argabrite, Director, West Virginia Education Information Systems
- Teresa Bailey, Coordinator, Early and Elementary Learning Services
- Vickie Baker, Coordinator, Assessment Services
- Veronica Barron, Coordinator, CTE Services and Support Services
- Jan Barth, Assistant State Superintendent
- Melvine Browning, Coordinator, Special Education Services
- Timothy Butcher, Coordinator, Assessment Services
- Carrie Christy, Associate Staff, Assessment Services
- Tim Conzett, Technology Officer, Office of Technology
- Monica DellaMea, Director, Early and Elementary Learning Services
- Leah Earnest, Coordinator, Early and Elementary Learning Services
- Robert Hagerman, Director, Certification Services
- Amanda Harrison, Director, Child Nutrition Services
- Stephanie Hayes, Coordinator, Student Support and Well-being Services

**Policy 2340, West Virginia Measures of Academic Performance**  
**List of Stakeholders**

- Melanie Hesse, Executive Director and Dean of Students, West Virginia Schools for the Deaf and the Blind
- Jared Hughes, Director, Juvenile Programs, West Virginia Schools of Diversion and Transition
- Georgia Hughes-Webb, Director, Data Analysis and Research Services
- Mami Itamochi, Coordinator, Office of Federal Programs
- Derek Lambert, Manager, Leadership Support Services
- Dustin Lambert, Coordinator, Middle and Secondary Learning Services
- Andrea Lemon, Coordinator, Middle and Secondary Learning Services
- Joseph Mastracci, Coordinator, Assessment Services
- Drew McClanahan, Director of Government Relations, Legal Services
- Michelle Moore Leftwich, Coordinator, Office of Federal Programs
- Stacey Murrell, Coordinator, Accountability Services
- Jason Perdue, Coordinator, Assessment Services
- Sonja Phillips, Coordinator, Assessment Services
- Melanie Purkey, Federal Programs Officer, Office of Federal Programs
- Vaughn Rhudy, Director, Assessment Services
- Terry Riley, Coordinator, Special Education Services
- Robert Surface, Coordinator, Educator Development and Support Services
- Carol Ward, Coordinator, Student Support and Well-being Services
- Carla Warren, Director, Educator Development and Support Services
- Sonya White, Teaching and Learning Officer, Office of Teaching and Learning
- Lori Wilson, Coordinator, Certification Services
- Joey Wiseman, Director, Middle and Secondary Learning Services

**126CSR14**

**TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION**

**SERIES 14  
WEST VIRGINIA MEASURES OF ACADEMIC PROGRESS (2340)**

**§126-14-1. General.**

1.1. Scope. -- This legislative rule establishes the regulations governing the administration and operation of the West Virginia Measures of Academic Progress (WV-MAP).

1.1.a. County/Counties. For purposes of this rule, county includes county boards of education, schools and facilities under the supervision of the West Virginia Board of Education (WVBE), and charter public schools.

1.2. Authority. -- W. Va. Constitution, Article XII, §2; W. Va. Code §§18-2E-1, 18-2E-1a, 18-2E-2, 18-2-5, 18-2E-8(c)(1), 18A-3-6; and Public Law 114-95, Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA) 2015.

1.3. Filing Date. -- .

1.4. Effective Date. -- .

1.5. Repeal of Former Rule. -- This legislative rule repeals and replaces W. Va. 126CSR14, Policy 2340, West Virginia Measures of Academic Progress (WV-MAP) (Policy 2340), filed June 15, 2018, and effective July 16, 2018.

**§126-14-2. Purpose.**

2.1. The purpose of this policy is to provide an operational framework to administer an effective and efficient statewide assessment program, provide procedures to protect the integrity of test data, and support the use of assessment data to improve instruction.

**§126-14-3. Definitions.**

3.1. Accommodations. Changes in testing materials or procedures that allow students with documented disabilities or English learner students to show their knowledge and skills. Accommodation refers to a change in testing materials or procedures that does not change what is being measured.

3.2. Aide. A person who meets or exceeds the qualifications of Aide II pursuant to W. Va. Code §18A-4-8i(9) and is hired to work with students with disabilities in an instructional setting.

3.3. Alternative Education Program. As defined by W. Va. 126CSR99, Policy 4373, Expected Behavior in Safe and Supportive Schools (Policy 4373), a temporarily authorized departure from the regular school program designed to provide educational and social development for students whose disruptive behavior places them at risk of not succeeding in the traditional school structure and in adult life without positive interventions.



3.4. Career Technical Education (CTE) Technical Assessment. As defined in W. Va. 126CSR44M, Policy 2520.13, West Virginia College- and Career-readiness Programs of Study/Standards for Career Technical Education, a business/industry-designed assessment given to measure the attainment of career-related technical skills as it relates to their program of study.

3.4.a. Each CTE director shall designate an individual to serve as the school test coordinator for any center or school that houses a state-approved CTE program of study to oversee all aspects of implementing the CTE technical assessment.

3.5. Charter Public School or Charter School. See W. Va. 126CSR79, Policy 3300, Charter Public School (Policy 3300), Definitions.

3.5.a. Virtual Charter School. See Policy 3300, Definitions.

3.5.b. Student (Charter Public School). See Policy 3300, Definitions.

3.6. Cheating. A willful or intentional act of dishonesty by an administrator, teacher, examiner, or student that has an impact on and/or jeopardizes the integrity and/or validity of the test or the accuracy of the test results. Cheating may occur at any point before, during, or after the testing process and may include, but is not limited to, altering records or student responses, providing inappropriate assistance to students, or using unauthorized resources or electronic devices. Cheating will result in the invalidation of test scores and tests as per the recommendation of the investigative team and the determination of the WVDE. Cheating by an administrator, teacher, or examiner may result in a loss of licensure/certification/permit for employees as per section 8.8.

3.7. Clinical Teacher of Record Program. An intensively supervised and mentored program for prospective teachers during their senior year that refines their professional practice skills and helps them gain the teaching experience needed to demonstrate competence as a prerequisite to certification to teach in the West Virginia public schools (W. Va. Code §18A-3-1(e)(2).)

3.8. Computer Adaptive Test (CAT). An interactive test that adapts to the student's ability level and selects questions based on the student's response to previous questions.

3.9. Copyright Infringement. The retention, reproduction, or paraphrasing in any manner of secure test material in paper or electronic format, including test booklets, answer sheets, or online submissions. Copyright infringement may result in a loss of licensure/certification/permit as per section 8.8.

3.10. Criterion-Referenced Test (CRT). An assessment that measures a student's achievement of a specified set of criteria.

3.11. County. Any entity recognized by the WVBE as a local education agency (LEA) (e.g., county, charter public school, West Virginia Schools for the Deaf and the Blind, West Virginia Schools of Diversion and Transition).

3.12. County Personnel. Any person employed in any manner by a county, including all public school personnel.

3.13. County Test Coordinator. The individual within a county who manages the WV-MAP assessment program for that county and who has completed training in administering the testing instruments used in this program.

3.14. Elementary and Secondary Education Act (ESEA) Public Law 114-95, as amended by ESSA (2015). The federal law that outlines requirements, including assessments, states must follow to ensure counties are accountable for teaching children in order for those counties to continue receiving federal funds.

3.15. English Language Proficiency (ELP) Assessment. An assessment of language proficiency for EL students. For more information, refer to W. Va. 126CSR15, Policy 2417, Regulations and English Language Proficiency Standards for English Learners and Alternate English Language Proficiency Standards for English Learners with Significant Cognitive Disabilities (Policy 2417) and the Participation Guidelines found on the Assessment Services webpage on the WVDE's website.

3.16. English Learner (EL) Committee. A school-level committee that includes English as a Second Language (ESL) and classroom educators and parent(s)/guardian(s) who meet annually to address issues affecting student instruction and assessment on an individual basis for EL students.

3.17. English Learner (EL) Plan. A plan that outlines appropriate assessment and classroom accommodations for EL students. The plan is written by EL educators, classroom teachers, and administrators and updated annually in the West Virginia Education Information System (WVEIS).

3.17.a. English Learner (EL) Assessment Participation Forms. The documents that outline the accessibility supports and accommodations required by the EL student for each state assessment. The EL Assessment Participation Forms are found in the appendix in the Participation Guidelines.

3.18. English Learner (EL) Student. A student meeting the federal government definition as described in ESEA and Policy 2417.

3.19. Examiner. The person who administers the test and who meets the requirements outlined in section 5.3.c.

3.20. Family Educational Rights and Privacy Act (20 U.S.C. §1232g; 34 CFR Part 99) (FERPA). A federal law that protects the privacy of student education records. It is implemented through W. Va. 126CSR94, Policy 4350, Procedures for the Collection, Maintenance, and Disclosure of Student Data (Policy 4350).

3.21. Fixed Form Test. A static test where every student receiving that form receives the same questions. A fixed form test can be delivered on paper or computer.

3.22. Foreign Exchange Student. A public school student for the year the student attends an assigned public school. A foreign exchange student may participate in the state assessments. If tested, the foreign exchange student is not included in accountability measures.

3.23. Formative Assessment Process. A process used by teachers to guide daily instruction and personalize learning to improve students' achievement of intended learning outcomes.

3.24. Grade Level. The class designation in which the student is enrolled as indicated on the student WVEIS record for public school students. Grade level for home school students is the class designation as provided on the transcript or academic record provided by the parent. Grade level for nonpublic school students is the class designation in which the student is enrolled in the nonpublic school.

3.25. Home School Students. Those students defined under W. Va. Code §18-8-1, Exemption C, who are not enrolled in a public or nonpublic school within the LEA and who are instructed by a person(s) providing home instruction. Home school students may be enrolled in a course in the public school system.

3.26. Homebound Students. Those students enrolled in a public school who, for any reason as certified in writing by a licensed physician or as determined by the LEA, are temporarily confined to home/hospital for a period that has lasted or will last more than three consecutive weeks and who meet the eligibility criteria in W. Va. 126CSR42, Policy 2510, Assuring the Quality of Education: Regulations for Education Programs (Policy 2510), for home/hospital instruction.

3.27. Individualized Education Program (IEP). A written plan, developed by a team as defined in W. Va. 126CSR16, Policy 2419, Regulations for the Education of Students with Exceptionalities (Policy 2419), describing the specially designed instruction and appropriate accommodations, if any, needed for an eligible student with an exceptionality to master the state-approved content standards and/or be prepared for the workplace.

3.28. Interim Assessments. Assessments that can be administered throughout the school year by counties and schools to help monitor students' progress toward mastery of the state-approved standards.

3.29. International Assessments. Assessments administered to a randomly selected sample of students in the United States (U.S.) by the National Center for Education Statistics (NCES) under the governing bodies of the International Association for the Evaluation of Educational Achievement (IEA) and Organization for Economic Cooperation and Development (OCED). These assessments include, but are not limited to, the following: Progress in International Reading Literacy Study (PIRLS), Program for International Student Assessment (PISA), Trends in International Mathematics and Science Study (TIMSS), Teaching and Learning International Survey (TALIS), International Computer Information Literacy Study (ICILS), and International Early Learning Study (IELS).

3.30. Local Education Agency (LEA). As defined in ESEA, a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

3.31. Locked and Secured Location(s). Any location within a county, school, or approved testing facility that can be locked and secured with access limited only to the principal and/or school test coordinator.

3.32. Medical Emergency. A situation in which a student is suffering from a terminal illness or physical or psychological emergency that may prevent the student from testing. These students may

qualify for a participation rate exemption. Information about requesting a participation rate exemption because of a medical emergency is available in the Participation Guidelines.

3.33. Minimum Number of Students. The number of students tested who receive results in a specific group. For reporting/accountability purposes, the minimum number of students must be large enough so students in that group cannot be individually identified. The “minimum number of students” is established by the WVDE and approved by the U.S. Department of Education for calculating and reporting school performance determinations in accordance with the W. Va. 126CSR12, Policy 2322, West Virginia System of Support and Accountability.

3.34. Mountaineer Challenge Academies (MCA). Special alternative education programs pursuant to W. Va. Code §15-1B-24 and §18-2-6 for students who are at risk of not succeeding in the traditional school structure (W. Va. 126CSR38, Policy 2446, Public Support for the Mountaineer Challenge Academy). Students who attend MCA are not required to test during their enrollment in MCA.

3.35. National Assessment of Educational Progress (NAEP). A national assessment of a representative sampling of U.S. students in grades 4, 8, and 12. NAEP measures what U.S. students know and can do in various subject areas. Assessments are conducted periodically in reading, mathematics, science, writing, U.S. history, civics, geography, the arts, and other subjects. As defined in ESEA, the administration of NAEP reading and mathematics assessments is required for a sample of students in grades 4 and 8. W. Va. Code §18-2E-2 states NAEP shall be administered in academic areas at various grades designated by NAEP officials.

3.36. National Assessment Governing Board (Governing Board). A board of elected and appointed officials overseeing the content and operation of the NAEP.

3.37. National Center for Education Statistics (NCES). An agency charged with collecting, analyzing, and making available data related to education in the U.S. and other nations.

3.38. Nonpublic Schools. An elementary, middle, or high school that is not established or maintained at public expense through the total basic foundation program/state aid formula outlined in W. Va. Code §18-9A-3 and §18-9A-12. If nonpublic schools choose to participate in state-administered summative assessments, it is understood the nonpublic school staff must adhere to policy requirements.

3.38.a. Nonpublic School Student. A student enrolled in an elementary, middle, or high school that is not established or maintained at public expense through the total basic foundation program/state aid formula outlined in W. Va. Code §18-9A-3 and §18-9A-12.

3.39. Norm-Referenced Test (NRT). An assessment that compares a student’s performance to the performances of other similar test takers.

3.40. Out-of-State Placements. Students placed in out-of-state schools/facilities through court-based placement by the West Virginia Department of Health and Human Resources (WVDHHR) or county placement by IEP Teams.

3.40.a. Court-based Placement. Students placed in out-of-state schools/facilities by WVDHHR because of special education needs and related services. These placements are non-IEP decisions based on factors other than disability status. However, some students in out-of-state placements may have

IEPs. Regardless of whether students placed in out-of-state schools/facilities because of court-based placement have IEPs or do not have IEPs, these students are not instructed using the state-approved content standards, are not assessed using the West Virginia General Summative Assessment (WVGSA), the West Virginia college- and career-readiness assessment, or the West Virginia Alternate Summative Assessment (WVASA) and are not included in West Virginia Accountability System (WVAS) indicators. The schools of record will provide documentation to the county test coordinators explaining why these students were not tested and are to be excluded from accountability calculations. A copy of the court-based placement is sufficient documentation and should be kept on file at the county level.

3.40.b. County Placement. Students placed in out-of-state schools/facilities by counties as determined by IEP teams because of special education needs and related services. These students are instructed using the state-approved content standards, are assessed using the WVGSA, the West Virginia college- and career readiness assessment, or the WVASA, and are included in WVAS indicators if they are enrolled as students in WVEIS.

3.41. Participation Guidelines for West Virginia State Assessments (Participation Guidelines). A document that outlines requirements for all students being assessed, including students with IEPs, Section 504 Plans, or EL Plans. The accommodations outlined in this document are nationally recognized accommodations and have been approved by a national technical assistance team and the federal government.

3.42. Personal Health Management Device. An electronic device (e.g., phone, etc.) that allows a student to monitor a health condition as outlined in the Participation Guidelines.

3.43. Public School. An elementary, middle, or high school established and maintained at public expense through the total basic foundation program/state aid formula outline in W. Va. Code §18-9A-3 and §18-9A-12.

3.43.a. Public School Student. A student enrolled in an elementary, middle, or high school established and maintained at public expense through the total basic foundation program/state aid formula outlined in W. Va. Code §18-9A-3 and §18-9A-12.

3.44. Revocation/Suspension. The removal of licensure/certification by the State Superintendent of Schools (State Superintendent) pursuant to W. Va. Code §18A-3-6.

3.45. School Test Coordinator. The principal or an individual designated by the principal who oversees the administration of any assessments included in the WV-MAP and meets the requirements outlined in section 5.2.b.

3.46. Scribe. A trained examiner who transcribes/enters student responses using the students' exact words onto answer sheets, test books, or an online test delivery system. Responses may come from:

3.46.a. oral/signed/handwritten student responses,

3.46.b. large print/braille test books, or

3.46.c. damaged test books/answer sheets.

3.47. Section 504 Committee. A committee established in accordance with county procedures that meets periodically to address issues that affect instruction and assessment for students who have been determined to have a disability as defined by Public Law 93-112, Section 504 of The Rehabilitation Act of 1973 (Section 504).

3.48. Section 504 Plan. A document, reviewed periodically, outlining the accommodations, aids, or services a student with disabilities needs to be educated in the least restrictive environment. The accommodations are usually minor adjustments in the general education classroom such as, but not limited to, seating arrangements, assignments, and lesson presentations. A school-based team determines if a student qualifies for a Section 504 Plan based on Section 504 of the Rehabilitation Act of 1973.

3.49. Security Breach. The failure to observe/follow the documented procedures established in the Testing Code of Ethics (Appendix A), the tests' procedures agreements, and/or the testing manuals by any person administering or assisting with the administration of an assessment included in the WV-MAP and pilot tests and field tests sanctioned by the WVDE. These procedures are designed to protect, maintain, and implement the testing process. See section 8 for the protocol to use in reporting an alleged breach.

3.50. Special Education: Out-of-School Environment. An IEP placement option in which an eligible student with a disability temporarily receives specially designed instruction and related services in a non-school environment as defined in Policy 2419.

3.51. Standard Conditions. The prescribed procedures to be followed during the administration of a specific assessment.

3.52. State Education Agency (SEA). The WVDE is the SEA for West Virginia.

3.53. Student Data Accessibility, Transparency, and Accountability (DATA) Act. The state law, found in W. Va. Code §18-2-5h, that delineates state, county, and school responsibilities for data security and inventory; provides for a data governance officer; and establishes parental rights regarding access to information.

3.54. Students with Disabilities. Students who are eligible, in accordance with the definitions, eligibility criteria, procedures, and safeguards contained in Policy 2419, and who meet the definition of disability under Section 504 of the Rehabilitation Act of 1973.

3.55. Technology Specialist. An individual employed by or contracted through the county or school responsible for maintaining, processing, and troubleshooting computer systems/operations.

3.56. Testing Administration Breach. Any failure to follow the documented test administration procedures that could alter the results or testing environment of the assessment for one or more students (e.g., timing an untimed test, not implementing required accommodations, etc.) See section 8 for the protocol to use in reporting an alleged breach.

3.57. Testing Code of Ethics – Testing Code of Ethics (Appendix A). The ethical and principled practices regarding test security, test administration, test notification, training, and handling of secure assessment materials.

3.58. Testing Irregularity. Any unexpected event that significantly disrupts the testing environment (e.g., sounding of the fire alarm or a power outage).

3.59. Testing Window. The specific calendar dates during which assessments under the WV-MAP shall be administered in accordance with W. Va. Code §18-5-45(g) and this policy.

3.60. Virtual learning. Digital learning offered through the West Virginia Virtual School (WVVS) or a county virtual instruction program (Policy 2510, section 6.4.g.).

3.61. West Virginia Accountability System (WVAS). The comprehensive system of measurements that defines school-specific expectations for continuous improvement using academic achievement, academic progress, four-year and five-year cohort graduation rates, progress toward English language proficiency (ELP), and student success indicators to guide and focus improvement and technical assistance.

3.62. West Virginia Alternate Summative Assessment (WVASA). A test specifically designed for students with the most significant cognitive disabilities. These students are assessed in the same content areas and at the same grade levels as students who take the WVGSA. Students who are administered the WVASA must be instructed using the appropriate grade-level Alternate Academic Achievement Standards as per their IEPs.

3.63. West Virginia College- and Career-Readiness Assessment. A standardized college- and career-readiness assessment administered in grade 11 to measure student performance in mathematics, ELA, and science, and used for both state and federal accountability, as well as college entrance and placement.

3.64. West Virginia Content Standards. Statements of the knowledge and skills that students are expected to acquire and that were adopted by the West Virginia Board of Education.

3.65. West Virginia Data Access and Management Guidance. The document developed by the WVDE data governance committees, vetted by WVDE leadership, and approved by the WVBE. It outlines the roles and responsibilities of the WVDE, and the processes put into place to protect the confidentiality and security of student data at the state level.

3.66. West Virginia Education Information System (WVEIS). The comprehensive data management system that manages student and employee data, payroll, and accounting for West Virginia public PK-12 education.

3.67. West Virginia General Summative Assessment (WVGSA). A customized test consisting of selected criterion-referenced response items used to measure a student's level of achievement of the state-approved content standards in mathematics and English language arts (ELA) in grades 3-8 and science in grades 5 and 8.

3.68. West Virginia Measures of Academic Progress (WV-MAP). The comprehensive assessment system that measures student performance. Summative assessments that are part of WV-MAP include the WVGSA, the West Virginia college- and career-readiness assessment, the WVASA, NAEP, international assessments, the ELP Assessment, CTE technical assessments, and pilot tests and field tests sanctioned by the WVDE.

**§126-14-4. Program Regulations.**

4.1. To meet state and federal requirements, all public school students enrolled in grades 3-8 and 11 shall be assessed using the appropriate state-administered summative assessment, either general or alternate, at the grade level in which they are enrolled in the spring of each year.

4.1.a. The WVGSA assesses the content areas of ELA and mathematics in grades 3-8 and science in grades 5 and 8.

4.1.b. The West Virginia college- and career-readiness assessment assesses the content areas of ELA, mathematics, and science in grade 11.

4.1.c. The WVASA assesses the content areas of ELA and mathematics in grades 3-8 and 11 and science in grades 5, 8, and 11.

4.1.c.1. ESSA requires that for each assessed subject, the total number of students participating in the alternate assessment does not exceed one percent of the total number of all students in the state who are assessed in a given subject. ESSA has placed a one-percent participation rate cap at the state level only. This cap is not applicable at the county or school level.

4.2. All EL students shall participate in the appropriate state-administered summative assessments in the grade level in which they are enrolled. The EL Committee will determine the language supports, if any, using the appropriate EL Assessment Participation Form, located in the Participation Guidelines.

4.2.a. All EL students eligible to participate in the ELP Assessment or the Alternate ELP Assessment shall do so with accommodations as determined by their respective EL Committees, IEP Teams, or Section 504 Committees. The documentation procedure for ensuring accommodations are provided on the ELP Assessment is outlined in the Participation Guidelines.

4.2.b. When an EL student is also identified as a student with a disability under Policy 2419, the IEP Team, which should include an English language specialist, will determine the appropriate assessment and accommodations. The IEP will address the specific accommodations relevant to the identified disabilities in the IEP. The EL Assessment Participation Form will address language supports relevant to the EL status of a student.

4.2.c. When an EL student is also identified as a student with a disability under Section 504, the Section 504 Committee, which should include an English language specialist, will determine the student's appropriate accommodations. The Section 504 Plan will address the specific accommodations relevant to the identified disabilities in the Section 504 Plan. The EL Assessment Participation Form will address language supports relevant to the EL status of a student.



4.2.d. Former EL students' scores on the WVGSA, West Virginia college- and career-readiness assessment, or WVASA will be included in the EL subgroup for two years after these students have attained English proficiency.

4.3. All public school students with disabilities who are eligible for services as defined in Policy 2419 shall participate in the WVGSA, the West Virginia college- and career-readiness assessment, or the WVASA at the grade level in which they are enrolled with appropriate accommodations as determined by their IEP Team. The process for ensuring IEP accommodations is provided in the Participation Guidelines.

4.3.a. All public school students with the most significant cognitive disabilities and who meet the criteria for participation in the WVASA as determined by their IEP Teams shall participate in the WVASA.

4.3.b. All public school students with disabilities as defined by Section 504 shall participate in the WVGSA or the West Virginia college- and career-readiness assessment in the grade level in which they are enrolled. Appropriate accommodations, if any, must be determined by the student's Section 504 Committee and documented in the student's Section 504 Plan and incorporated into WVEIS.

4.3.c. All public school eligible students with disabilities under Policy 2419 whose IEP placement is special education: out-of-school environment are to be assessed at the schools in which the students are enrolled or an alternate testing site approved by the county test coordinator. All participating educators and students shall be required to follow all testing guidelines and security procedures set forth in this policy.

4.4. All public school students enrolled in grades 4, 8, and 12 who are part of the NAEP state sample shall participate in the NAEP, a component of the WV-MAP. Principals or their designee shall complete the required school questionnaires. Teachers of the sampled students shall complete the teacher questionnaire for the assessed target. The participants of this test will be determined by a random sample at the national level. All students on the school roster shall be given the opportunity for selection. Students participating in the WVASA and students with IEPs, Section 504 Plans, or EL Plans whose accommodations are not allowed by NAEP may be excluded from participation or assessed and not scored after having been randomly selected. Any student being considered for exclusion should be reported to the WVDE.

4.5. All public school students enrolled in the grade sample selected to participate in an international assessment shall participate in the assessment. Principals or their designee shall complete the required school questionnaires. Teachers sampled shall complete the teacher questionnaire. The participants of this test will be determined by a random sample at the national level. All students on the school roster shall be given the opportunity for selection. Students participating in the WVASA and students with IEPs, Section 504 Plans, or EL Plans who cannot be accommodated may be excluded.

4.6. All homebound public school students are to be assessed at the schools in which the students are enrolled or at alternate testing sites meeting requirements in test administration manuals and approved by the county test coordinators. All participating educators and students shall be required to follow all testing guidelines and security procedures set forth in this policy.

4.7. All public school students enrolled in alternative education programs shall participate in the WV-MAP. The test scores for these students shall be counted in the results of the referral school (Policy 4373).

4.8. Pursuant to W. Va. Code §18-5G-3(c)(6), charter public schools shall administer the same student assessments required of non-charter public schools, including the NAEP if sampled, using the same protocols as non-charter public schools (Policy 3300, section 4.6.b and section 10.2.d). All requirements specified for non-charter public schools and/or non-charter public school students also apply to charter public schools and charter public school students.

4.8.a. Charter public school students will be tested in person at their school or at an off-site location approved by the WVDE.

4.8.b. The charter school application seeking to establish a virtual charter public school must include the process for administering WV-MAP assessments, including, but not limited to, the physical facility to be used for testing (Policy 3300, section 4.5.b).

4.9. Public school students participating in virtual learning through either the WVVS or county virtual instruction must participate in WV-MAP assessments in person at their school of record or at an appropriate location to be determined by the county. The test scores for these students shall be aggregated in the results of the school and county where the students are enrolled.

4.10. Home school students may participate in the state-administered summative assessments under standard conditions administered in the public schools of the county in which they reside.

4.10.a. Each academic year, the county shall notify home school students in their county of the opportunity to participate in state-administered summative assessments. Students in grades 3-8 may participate in the WVGSA and students in grade 11 may participate in the West Virginia college- and career-readiness assessment provided that the home instructor notifies the county test coordinator of the intention to participate by a date to be determined by the WVDE.

4.10.b. Home school students will be assigned: 1) a location for testing with an approved educator who has completed the required training as an examiner/scribe and signed the Examiner's/Scribe's Secure Materials and Test Procedures Agreement (Appendix F), and 2) test dates by the county test coordinator during the county's testing window.

4.10.c. All home school educators and home school students participating in the assessments of the WV-MAP shall be required to follow all testing guidelines and procedures set forth in this policy. Violations of this policy shall result in the loss of testing privileges. Home school students who choose to participate in state assessments are not included in accountability measures.

4.10.d. Home school students who are enrolled part-time in public schools are considered home school students for assessment and accountability.

4.11. All nonpublic school students may participate in the state-administered summative assessments.

4.11.a. Each academic year, the nonpublic school administrator must submit a Participation Form and a Verification of Certification Form to the WVDE and to the county test coordinator in the county where the nonpublic school is located by a date to be determined by the WVDE.

4.11.b. Nonpublic schools that choose not to participate in state-administered summative assessments after submitting the Participation Form must notify both the WVDE and the county test coordinator in the county where the nonpublic school is located by a date to be determined by the WVDE that they no longer intend to participate. Nonpublic schools that fail to provide notification are not eligible to participate in state-administered summative assessments for one year.

4.11.c. For the WVGSA, the county test coordinator, not the nonpublic school, will receive all testing material and release the testing materials to the nonpublic principal/assigned school test coordinator upon completion of the required training and receipt of the annually signed Principal and/or School Test Coordinator Secure Materials and Test Procedures Agreement (Appendix D or Appendix E).

4.11.d. For the West Virginia college- and career-readiness assessment, the nonpublic school will receive all testing materials, but the nonpublic principal/assigned school test coordinator must complete all required training and sign the Principal and/or School Test Coordinator Secure Materials and Test Procedures Agreement (Appendix D or Appendix E) before receiving materials.

4.11.e. All nonpublic educators and nonpublic school students participating in the assessments of the WV-MAP shall be required to follow all testing guidelines and procedures outlined in this policy.

4.11.f. All nonpublic educators who have access to secure test materials must be trained annually. The county test coordinator, in conjunction with the principal/school test coordinator at the participating nonpublic school, will determine training dates.

4.11.g. Violations of this policy shall result in the loss of testing privileges.

4.11.h. Nonpublic students who participate in state assessments are not included in accountability measures.

4.12. Each county shall establish a process to analyze the assessment results; evaluate student, school, and county assessment performance; and use the data to increase student learning and improve school achievement.

#### **§126-14-5. Administration Regulations.**

5.1. The WV-MAP assessments shall be administered according to the schedule published by the WVDE. A reasonable effort shall be made to provide each student with a makeup test during the scheduled testing window.

5.1.a. All school systems must establish a county testing window that falls within the WVDE-established testing window. Once established, no county's testing window may be changed without WVDE approval.

5.2. The WV-MAP assessment program shall be managed by a county test coordinator who has completed training in administering the testing instruments used in this program. The county test

coordinator/alternate county test coordinator or a WVDE-trained designee shall be available either in person or by telephone during the testing windows to address any questions/concerns.

5.2.a. Counties shall ensure that all appropriate county office staff are trained on test security and school personnel are adequately trained in the administration and security of WV-MAP assessments and the interpretation and use of test data.

5.2.b. Counties shall ensure that principals and school test coordinators, when designated by the principal, must deliver adequate training and professional development to all educators who administer WV-MAP assessments.

5.2.b.1. The principal must be a currently employed educator who holds a valid West Virginia teaching license or certification granted by the WVDE and has signed the Principal's Secure Materials and Test Procedures Agreement (Appendix D).

5.2.b.2. The school test coordinator must be a currently employed educator who holds a valid West Virginia teaching license or certification granted by WVDE and has signed the School Test Coordinator's Secure Materials and Test Procedures Agreement (Appendix E).

5.2.b.2.A. A principal may serve as the school test coordinator or designate someone else at the school to be the school test coordinator.

5.2.b.2.B. A principal may designate an assistant school test coordinator(s) to assist the school test coordinator.

5.2.b.3. Any person identified as a school test coordinator and/or an assistant school test coordinator, or any person designated to fulfill any other required test administration role, must complete all training required by the WVDE and/or the testing vendor. Failure to complete training may result in the school being prohibited from administering WV-MAP assessments.

5.2.c. Each county test coordinator shall develop and implement procedures regarding the administration of WV-MAP assessments and shall collaborate with county office staff and school personnel to develop and implement procedures for the analysis and application of test results.

5.2.d. Each county shall monitor test administration in its schools to ensure that appropriate assessments, with or without appropriate accommodations, are selected for students with disabilities under IDEA, students covered by Section 504, and EL students so that they are appropriately included in assessments.

5.3. Public/nonpublic school educators who meet the definition of examiner shall administer any portion of the WV-MAP to students as assigned by the principal or school test coordinator.

5.3.a. All requirements stipulated in the appendices of this policy must be adhered to in all test administrations, including pilot tests and field tests sanctioned by the WVDE.

5.3.b. Any West Virginia public/nonpublic school employee involved in any phase of the testing program shall be trained annually in test security and assessment administration procedures as defined in this policy.

5.3.c. Examiner. An examiner:

5.3.c.1. must be 1) a currently employed educator and/or an approved employee of the state or county, or 2) a currently employed educator of a nonpublic school;

5.3.c.1.A. All nonpublic school educators serving as examiners must be approved by the WVDE.

5.3.c.2. must hold a valid West Virginia teaching license, certification, or permit granted by the WVDE.

5.3.c.3. must have been trained and must have on file a signed Examiner's/Scribe's Secure Materials and Test Procedures Agreement (Appendix F) for the purpose of administering or assisting with the administration of an assessment included in the WV-MAP, including pilot tests and field tests sanctioned by the WVDE;

5.3.c.4. may be a substitute teacher;

5.3.c.5. may be an aide serving as an examiner for students with disabilities when instructionally assigned;

5.3.c.5.A. All aides must be providing services to the student during instruction and be approved by the WVDE.

5.3.c.6. may not be a student teacher, unless the student is participating in a clinical teacher of record program; and

5.3.c.7. may not administer WV-MAP assessments to family members or individuals living in the same household.

5.3.c.7.A. Decisions regarding potential conflicts of interest involving test administration will be the responsibility of the county test coordinator.

5.3.d. Counties shall ensure that all principals and school test coordinators, as well as all other appropriate county office and school-level professional staff and personnel, are adequately trained in test administration, interpretation of test results, and use of test data. All irregularities that represent cheating, security breaches, testing administration breaches, or copyright infringements shall be reported according to guidelines outlined in this policy.

5.3.e. Principals/school test coordinators at nonpublic schools that administer any portion of the WV-MAP are required to have a valid West Virginia teaching license/certification as do public school principals and school test coordinators.

5.4. Any West Virginia nonpublic school employee involved in any component of the testing program shall be trained in test security and assessment administration procedures. Test administrators must hold a valid West Virginia teaching license/certification and must be approved by the WVDE.

5.5. Any person who transcribes student responses on WV-MAP assessments must: 1) be a trained examiner as defined by this policy; 2) transcribe the student's response into the appropriate platform according to the vendor's protocols; 3) complete and sign the Scribe Verification Form included in the Participation Guidelines after the transcription; and 4) send the form to the principal or school test coordinator upon completion.

5.6. All allowable testing accommodations identified on the student's current school year, finalized online IEP, Section 504 Plan, or EL Plan must be provided during the administration of WV-MAP assessments, as established in the student's plan. Students needing accommodations will be identified by the principal or school test coordinator, and the designated accommodations shall be implemented by the examiner or through technology.

5.6.a. Schools and counties shall monitor and report the implementation of accommodations as defined in the Participation Guidelines to ensure accommodations are:

5.6.a.1. consistent with the state's policies for accommodations;

5.6.a.2. appropriate for addressing a student's disability or language needs for each assessment administered;

5.6.a.3. consistent with accommodations provided to students during instruction and/or practice;

5.6.a.4. consistent with the assessment accommodations identified by a student's IEP Team or Section 504 Team for students with disabilities, or another process for an EL student; and

5.6.a.5. administered with fidelity to test administration procedures.

5.7. The examiner must report testing irregularities on the provided testing irregularities form to the principal or county test coordinator, as appropriate.

5.8. All irregularities of student misconduct that represent student cheating, security breaches, testing administration breaches, or copyright infringements shall be reported according to guidelines outlined in this policy.

#### **§126-14-6. Reporting Regulations.**

6.1. All students who participate in the WV-MAP and their parents/guardians must be provided the individual student assessment results, except for NAEP, in a timely manner by the county according to guidelines established by the WVDE. Individual and school results are not reported for NAEP. The explanation and interpretation of assessment results shall be provided by professional staff at each school under the direction of the principal or school test coordinator.

6.1.a. The WVDE is required to publicly report scores for the WVGSA, the West Virginia college- and career-readiness assessment, and the WVASA, as per ESEA.

6.1.b. West Virginia NAEP assessment results for grades 4, 8, and 12 are aggregated by state and are not available for individual students, schools, or counties. The release of NAEP results is

determined by the Governing Board and announced by the State Superintendent or designee. Explanation and interpretation of NAEP results in the context of state, regional, and national results are available on the NCES website.

6.2. The WVDE shall release student, school, and county assessment results, in accordance with state and federal requirements.

6.2.a. The WVDE shall release to the public only those results that do not identify a student or small group of students in accordance with FERPA, the Student DATA Act, Policy 4350, and the WVDE Data Access and Management Guidance. In accordance with these regulations, results for groups not meeting the minimum number set by the state will not be reported to protect personally identifiable student data.

6.2.b. Secure test materials and test items will not be released, except for the West Virginia college- and career-readiness assessment forms released according to the testing vendor's policies and procedures.

6.3. To facilitate instruction and school improvement, the professional staff, under the direction of the principal, shall be provided assessment data (except NAEP) by individual, grade level, and subgroup for the students in their schools and/or classrooms.

6.4. Upon receipt of individual student results, the school will release in a timely manner the results to parents/guardians and to the teachers to whom the students are assigned.

6.4.a. Each public school principal/designee will confirm to the county superintendent that the individual student results for the ESEA assessments were sent to the parent(s)/guardian(s) of the student(s). The county superintendent will confirm to the State Superintendent that the individual student results were sent by each of the public schools in the county. All confirmations will be available at school and county level for federal and state monitoring.

6.5. State, county, and school results from the WVGSA, the West Virginia college- and career-readiness assessment, and the WVASA shall be disaggregated and reported by the WVDE as required by ESEA.

6.5.a. Performance on the WVGSA, the West Virginia college- and career-readiness assessment, and the WVASA shall be reported by state, county, and school in terms of the percentage of students who achieved at each achievement level in each grade by subgroup in all state-approved content areas.

6.5.a.1. Performance on the WVGSA and the West Virginia college- and career-readiness assessment shall be reported by achievement levels based upon cut scores for each state-approved content area. Cut scores are published in each assessment's technical report.

6.5.a.2. Performance on the WVASA shall be reported by achievement levels based upon cut scores for each state-approved content area. Cut scores are published in the assessment's technical report.

6.5.b. School performance on the WVGSA, the West Virginia college- and career-readiness assessment, and the WVASA shall be reported in terms of the percentage of students who achieved a minimum level of proficiency.

6.6. The WVDE reporting requirements may be met by any or all the following: hardcopy, web-based, or other digital media.

6.7. The answer analysis report disaggregated by school, by grade, by content, and by examiner, and provided by the vendor will be reviewed by the WVDE. A determination will be made by the WVDE as to whether the data warrant additional investigation.

6.8. Individual student-level assessment data are maintained securely to protect student confidentiality as per FERPA, the Student DATA Act, Policy 4350, and the WVDE Data Access and Management Guidance.

#### **§126-14-7. Test Security.**

7.1. The Testing Code of Ethics (Appendix A) is incorporated by reference into this policy.

7.2. Only secure test materials shall be used in conjunction with the WV-MAP assessments and international assessments, as well as pilot tests and field tests sanctioned by the WVDE. Apart from the scheduled test administration to students, it is unacceptable and unethical to use, retain, reproduce, paraphrase, or discuss in any manner secure test materials (paper and electronic), including test books, answer sheets, online tests or submissions, or excerpts from the tests. A county test coordinator, principal, school test coordinator, or county/school personnel found to have inappropriately used test materials in this manner will be subject to penalties, including but not limited to, revocation of professional license/certification/permit, as outlined in this policy.

7.3. Test security training must be incorporated as part of the required training for each WV-MAP assessment, as well as pilot tests and field tests sanctioned by the WVDE, as verified on the Verification of Training for Principals, School Test Coordinators, County/School Personnel (Examiners/Scribes/Other School Personnel) (Appendix I).

7.4. The county test coordinator shall complete the required training before each assessment each school year and shall acknowledge that all WV-MAP assessments and international assessments, as well as pilot tests and field tests sanctioned by the WVDE, are secure tests by reviewing, signing, and returning the County Test Coordinator's Secure Materials and Test Procedures Agreement (Appendix B) to the WVDE before access to secure test materials is provided.

7.4.a. Apart from the scheduled test administration, the county test coordinator shall ensure that secure test materials are stored in a locked and secured location(s) by the county test coordinator consistent with test security procedures outlined in the Testing Code of Ethics (Appendix A).

7.5. The county technology coordinator shall complete the required training before each assessment each school year and shall acknowledge that all WV-MAP assessments and international assessments, as well as any pilot tests and field tests sanctioned by the WVDE, are secure tests by reviewing, signing, and returning the County Technology Coordinator or Technology Vendor Secure Materials and Test Procedures Agreement (Appendix C) to the WVDE before access to secure test materials is provided.



7.5.a. The county technology coordinator shall ensure that all secure content and security features have been installed and/or updated on all devices to be used for administering statewide assessments and shall ensure the school's wireless connections are secure for testing.

7.6. The principal shall complete required training for each assessment each school year and shall acknowledge that all WV-MAP assessments and international assessments, as well as any pilot tests and field tests sanctioned by the WVDE, are secure tests by reviewing, signing, and returning the Principal's Secure Materials and Test Procedures Agreement (Appendix D) to the county test coordinator. This security agreement must be on file with the county test coordinator and the required training for each assessment each school year must be completed before any test administration materials will be released to the principal.

7.7. The school test coordinator, if applicable, shall complete required training for each assessment each school year and shall acknowledge that all WV-MAP assessments and international assessments, as well as any pilot tests and field tests sanctioned by the WVDE, are secure tests by reviewing, signing, and returning the School Test Coordinator's Secure Materials and Test Procedures Agreement (Appendix E) to the county test coordinator. This agreement must be on file with the county test coordinator and the required training for each assessment must be completed before any test administration materials will be released to the school test coordinator.

7.7.a. Test materials must be stored in a locked and secured location(s) before and following each daily testing session. Test materials are to be stored in a school in accordance with the administration guidelines of each assessment. Access to secure test booklets and answer sheets, as well as any secure online content, by all persons other than the county test coordinator, principal, and school test coordinator shall be restricted to the scheduled dates of test administration as outlined in the Testing Code of Ethics (Appendix A).

7.7.b. School test coordinators will store the secure materials from NAEP and the international assessments in the provided storage envelopes and destroy the storage envelopes after the NAEP assessment and all international assessments as directed by the administration team for the assessment.

7.8. Individual student test data must be stored in a locked and secured area. All personally identifiable student test data must be maintained under conditions consistent with the requirements of FERPA, the Student DATA Act, Policy 4350, and WVDE Data Access and Management Guidance.

7.8.a. The test administration area must be maintained in a secure manner accessible only to those students to whom the assessment is being administered, the examiners, the principal and/or the school test coordinator(s), and authorized county/school personnel.

7.9. Electronic devices, including, but not limited to cell phones, tablets, mp3 players, e-readers, smart watches, or any devices capable of taking pictures or providing access to unauthorized resources, must be turned off and stored out of view during all test administrations. This applies to any county or school staff, students, or other individuals present during testing, except in the following instances:

7.9.a. Accommodations may be made for students requiring personal health management devices to monitor health conditions as outlined in the Participation Guidelines.

7.9.b. Accommodations may be made for students requiring the use of a non-embedded program or app to provide translation services as an assessment accommodation if a human translator from their home language is unavailable.

7.9.b.1. Students may use a non-embedded program or app for translation services only in a one-on-one setting under the direct supervision of an examiner according to procedures outlined in the Participation Guidelines.

7.9.c. If necessary, examiners may use electronic devices, such as cell phones or computer-based messaging, during test administration only to communicate directly with the principal and/or school test coordinator to address any immediate issues (e.g., technology issues, medical emergencies, testing disruptions, etc.) that might arise during testing.

7.9.d. Electronic devices can be used by WVDE staff or other individuals with WVDE approval as part of the test administration monitoring process or to address technology issues.

7.9.e. All other uses of electronic devices during test administration are strictly prohibited and could result in an investigation (see section 8).

7.9.f. Electronic devices used in alleged cheating cases will be confiscated until the county, in consultation with local legal counsel, has determined the device contains no secure testing information.

7.9.f.1. A student's electronic device used in alleged cheating cases will be released to the parent/guardian after the county, in consultation with local legal counsel and the parent/guardian, has determined the device contains no secure testing information.

7.10. The examiners and technology specialists shall complete the required training for each assessment each school year no later than five instructional days before the beginning of testing and shall acknowledge that all assessments within the WV-MAP, as well as any pilot tests and field tests sanctioned by the WVDE, are secure tests by reviewing, signing, and returning the Examiner's/Scribe's Secure Materials and Test Procedures Agreement (Appendix F) or the WVDE/County/School Technology Personnel Secure Materials and Test Procedures Agreement (Appendix H) to the appropriate test administrator. This signed agreement, along with the Verification of Training for Principals, School Test Coordinators, County/School Personnel (Examiners/Scribes/Other School Personnel) (Appendix I), must be kept on file at the school by the principal/school test coordinator.

7.10.a. The examiners and technology specialists shall not review any specific information from secure tests with students or use the information to create review worksheets or any other test item-related aids that would improve students' test scores.

7.10.b. The examiners and technology specialists shall not review or examine in any manner a student's test booklet, answer sheet, and/or online entries throughout the test administration.

7.11. The WVDE will routinely review counties, schools, classrooms, and testing labs to identify irregularities in testing security procedures, modifications of test answer sheets, or other alleged unethical practices. The repercussions for testing security violations and/or copyright infringements are outlined in this policy.

7.12. All allegations of cheating, security breach, testing administration breach, or copyright infringement shall be reported according to the following protocol.

7.12.a. All allegations that occur in the school shall be reported to the principal.

7.12.b. The principal shall report all allegations to the county test coordinator.

7.12.c. The county test coordinator shall report all allegations to the county superintendent and the WVDE.

7.13. The WVDE shall report allegations that compromised the administration or the integrity of a WV-MAP assessment to the State Superintendent.

7.13.a. The WVDE holds the authority to determine whether to invalidate a test and whether a retake will be administered.

7.14. When the circumstances of reporting an alleged breach directly to an administrator may place an informant in jeopardy, the alleged breach may be reported directly to the WVDE.

**§126-14-8. Investigation of Alleged Cheating/Security Breach/Testing Administration Breach/Copyright Infringement.**

8.1. Any written complaint and/or oral report alleging cheating, security breach, testing administration breach, or copyright infringement shall be reported immediately, according to the protocol in this policy, to the principal and county test coordinator with a copy to the county superintendent (or organization) where the allegations occurred. The county test coordinator shall immediately contact the WVDE, which will advise the county about the procedures to follow regarding any investigation.

8.1.a. All complaints, whether reported by a named individual or anonymously, or initiated by the WVDE based on analysis of test data, will be reviewed by the WVDE, and a decision will be made as to whether an investigation will be conducted.

8.2. An investigation must occur in a timely and efficient manner and shall be jointly conducted by the designated staff of the WVDE in consultation with the county superintendent (or designated staff) where the allegation(s) occurred unless the WVDE identifies an alternate investigative plan.

8.3. The county shall maintain confidentiality and shall not conduct investigations at the county level before receiving authorization to proceed from the WVDE.

8.3.a. The investigation must, at a minimum, consist of personal interviews with the reporter, if known; the individual(s) against whom the allegation(s) is/are filed; and any other individual who may have knowledge of the allegations.

8.3.b. The investigative team must take immediate steps to protect the confidentiality of the complainant, students, teachers, administrators, and other personnel, including the individual(s) against whom the allegation(s) is/are made, pending the completion of an investigation of cheating, a security breach, a testing administration breach, or copyright infringement.

8.3.c. The investigation may consist of any other methods and review of the circumstances deemed pertinent by the investigators within the bounds of the law.

8.4. Upon completion of the investigation, a report consisting of written findings and final recommendations based on all the facts and surrounding circumstances must be submitted for the county to the State Superintendent in a timely manner and shall include a determination of whether misconduct did or did not occur or whether misconduct could not be determined.

8.4.a. If it is determined a violation occurred, one or more of the following recommendations shall be made:

8.4.a.1. invalidating the test scores of students/classes/schools/county;

8.4.a.2. if the testing window has not closed, retesting of students will be considered with the county (or school if requested by county) assuming the cost of both purchasing and scoring of the forms;

8.4.a.3. re-aggregating the test data for valid test results for students/schools/counties/state;

8.4.a.4. retraining of administrator/examiner/technology specialist involved in the investigation;

8.4.a.5. banning administrator/examiner/technology specialist from handling of or administering WV-MAP secure materials for any determined misconduct; and

8.4.a.6. action from county superintendent as per section 8.7.a or county board as per section 8.7.b.

8.5. Upon acceptance of the report by the State Superintendent, a copy of the report, along with the State Superintendent's letter of acceptance of the report, will be sent to the county superintendent.

8.6. Upon receipt of the investigative team's report, the county superintendent may request in writing any recorded conversations, written statements, and/or other documents or materials obtained during the investigation. The requested materials shall be mailed to the county superintendent via certified mail with proof of receipt.

8.7. Within 60 days of receipt of the letter from the State Superintendent accepting the recommendations of the investigative team, the county superintendent shall report in writing to the State Superintendent the status of further proceedings and any action taken. This report shall include the following:

8.7.a. action taken by the county superintendent:

8.7.a.1. no action;

8.7.a.2. written reprimand;

8.7.a.3. improvement plan; or

8.7.a.4. other, including ongoing investigation(s).

8.7.b. action taken by the county board:

8.7.b.1. no action;

8.7.b.2. suspension;

8.7.b.3. termination; or

8.7.b.4. other.

8.8. Within 90 days of the receipt of a report detailing the county's final action taken, the State Superintendent will review the action taken by the county to determine whether to close the case or to initiate licensure/certification/permit suspension or revocation. The county superintendent and individual(s) against whom the complaint was filed will be notified of the decision within this timeframe.

8.8.a. The State Superintendent may: 1) revoke the teaching license/certification/ permit pursuant to W. Va. Code §18A-3-6, or 2) decline to grant a license or a license renewal pursuant to W. Va. Code §18A-3-2a for any person who knowingly and willfully acted in a manner that may compromise the integrity of assessments in this policy and pilot tests and field tests sanctioned by the WVDE. Behavior giving rise to such action by the State Superintendent includes but is not limited to:

8.8.a.1. giving unauthorized access to secure test questions and/or answer keys or infringement of copyrighted materials;

8.8.a.2. retaining, reproducing, paraphrasing, or discussing all or any portion of a secure test;

8.8.a.3. prompting or assisting examinees during testing or altering or creating examinees' responses in any way;

8.8.a.4. providing a false certification on any Secure Materials and Test Procedures Agreement or County/School Personnel Secure Materials Agreement (Appendix G);

8.8.a.5. manipulating the test administration, demographic data, or the students' answers or data; and

8.8.a.6. participating in, directing, aiding or abetting, or assisting in any of the acts prohibited in this policy and W. Va. Code §18-2E-1a.

8.8.b. The WVBE, in conjunction with the State Superintendent, shall have the authority to enforce copyright laws to ensure the integrity of the assessments in this policy, and maintain security as outlined in W. Va. Code §18-2E-1a(8).

8.9. WVDE/ county/school personnel shall not engage in any action that may compromise the certification, accreditation, or accountability designation of a school or school program.

**§126-14-9. Severability.**

9.1. If any provision of this policy or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this policy.

**Appendix A**

**Testing Code of Ethics**

The Testing Code of Ethics addresses special concerns regarding appropriate professional practices within the WV-MAP, as well as appropriate professional conduct. The Testing Code of Ethics supplements the practices and procedures set forth by Policy 2340.

**ETHICAL TESTING PRACTICES**

**Test Security**

1. County school personnel shall establish and implement procedures to ensure maximum test security and limit access of secure materials to applicable county/school personnel.
2. Apart from the scheduled test administration to students, secure test materials shall be stored in a locked and secured location by the county test coordinator in accordance with the test administration guidelines of each assessment.
3. The county test coordinator shall be responsible for the test booklets/answer sheets received by the county and shall maintain a record of the booklets sent to each school in accordance with the test administration guidelines of each assessment.
4. Before each test administration, materials must be distributed and stored according to instructions provided with the test. Tests must be secured at all times during test administration, including all breaks in the testing sequence. All test booklets (used and unused) and answer sheets, if applicable, must be counted, reconciled, and returned to a locked and secured area immediately upon the completion of each daily testing session.
5. Secure test materials in a school must be stored in a locked and secured location(s) before and after each daily testing session. Secure test materials are to be stored in the building before and after testing in accordance with the test administration guidelines of each assessment. Testing, including makeups, must occur during the testing window. Access to test booklets and answer sheets shall be restricted to the scheduled dates of test administration.
6. Any allegations of cheating, security breach, testing administration breach, copyright infringement, loss of materials, or other deviation from acceptable and ethical security procedures shall be reported immediately to the principal, county test coordinator, county superintendent, and the WVDE. The WVDE shall report allegations to the State Superintendent according to the protocol outlined in this policy.
7. No secure test materials, test questions, or student responses/answer sheets shall be reviewed, retained, reproduced, paraphrased, or discussed in any manner. Additionally, teachers and/or students may not alert examinees to the correct answer choice by any means, including but not limited to, pointing to the correct answer, eliminating answer choices, or mouthing the correct answer.

8. Personnel responsible for the testing program shall participate in the training for each assessment's appropriate test administration procedures as outlined in Appendices B-H.
9. Each county test coordinator shall complete each required WVDE assessment training and sign a County Test Coordinator's Secure Materials and Test Procedures Agreement (Appendix B). The agreements shall be filed at the WVDE before access to secure test materials is provided.
10. Each county technology coordinator shall complete each required WVDE assessment training and sign a WVDE/County/School Technology Personnel Secure Materials and Test Procedures Agreement (Appendix H). The agreement shall be on file with the county test coordinator before access to secure test materials is provided.
11. Principals shall complete each required county test coordinator's assessment training and sign a Principal's/Secure Materials and Test Procedures Agreement (Appendix D). The agreement shall be on file with the county test coordinator before access to secure test materials is provided.
12. School test coordinators shall complete each required county test coordinator's training and sign School Test Coordinator's Security Agreement and Test Procedures (Appendix E). The agreement shall be on file with the county test coordinator before access to secure test materials is provided.
13. Any individual who administers, handles, or has access to secure test materials at the county or school shall complete each required assessment's training and sign the appropriate training verification form to remain on file in the appropriate office each year.
14. No one shall compromise test security or the accuracy of the test data and results by manipulating the test administration, test equipment, demographic data, or the students' answers or data.
15. Student test scores or test performance shall not be disclosed to unauthorized persons as per the FERPA, the Student DATA Act, Policy 4350, the WVDE Data Access and Management Guidance, and Policy 2340.

#### **Test Administration**

1. Tests shall be administered only during the testing window established by the WVBE, except when requested, in writing, by the county superintendent and county test coordinator and subsequently approved by the WVDE.
2. Examiners of standardized tests shall rigorously follow the appropriate administrative procedures as directed in the test's administration manual(s).
3. All examiners shall strive to create a positive testing environment.
4. Students shall not have access to secure test content and materials.
5. Examiners shall limit assistance to students to only those issues concerning the mechanical aspects of selecting answers, clarifying directions, and finding the right place on answer sheets or electronic display. Examiners shall not indicate answers, point out the rationale of an item, or prompt students in any manner.



6. Students, examiners, and technology specialists shall be monitored to ensure that appropriate test-taking procedures and test security measures are followed.
7. Specific instructional information, as specified in the test manuals, shall not be displayed in the room during test administration.
8. Only references or tools specifically designated in test manuals are provided to students.
9. Accommodations, as appropriate, for students with IEPs, Section 504 Plans, or EL Plans shall be provided as established by their respective plans.
10. An examiner shall not administer tests to family members or individuals living in the same household.
11. Appropriate test preparation is recommended and may include the use of diagnostic and interim assessments, the formative assessment process, standards-focused instruction, and the development of study skills and test-taking strategies.

**Test Notification**

Students and parents/guardians shall be:

- a. given notification before testing;
- b. provided information on the purposes and descriptions of the test and uses of the test results;  
and
- c. encouraged to follow test preparation procedures.

## Appendix B

### West Virginia Board of Education Policy 2340, West Virginia Measures of Academic Progress

State of West Virginia, County of \_\_\_\_\_

West Virginia Constitution, Article XII, §2; W. Va. Code §18-2E-1a(8), requires that the West Virginia Board of Education “ensure that all statewide assessments of student performance are secure.”

#### County Test Coordinator's Secure Materials and Test Procedures Agreement

I acknowledge that I will have access to secure assessments in the WV-MAP. I also acknowledge that I have read, understand, and agree to adhere to Policy 2340, including the Testing Code of Ethics (Appendix A), for all assessments within this policy. I understand that these materials are secure, and it is my professional responsibility to protect their security. I agree to complete each assessment's required training.

I therefore pledge:

1. I will not retain, copy, reproduce, paraphrase, distribute, or review/discuss secure test items or student responses.
2. I will implement procedures to ensure maximum test security. Access to secure materials, including methods of authentication, will be restricted to the test administration period designated by the state-mandated testing window.
3. I am responsible for the distribution of secure testing materials, including counting, reconciling, and returning all test booklets/answer sheets (used and unused) according to the instructions provided with the test, before and after each test administration. A record of the number of booklets and other identifying characteristics sent to and returned from each school shall be kept.
4. I am responsible for the shipment of the test booklets/answer sheets to the schools no earlier than five instructional days before the testing window and returned to me by the schools on the date determined by the county. I will ensure that test materials are securely stored in the buildings according to the instructions provided with the test and that all testing must occur during the testing window.
5. I will immediately report any loss of materials, cheating, security breach, testing administration breach, copyright infringement, or other deviation from acceptable security procedures to the county superintendent and the WVDE.
6. I will properly instruct the principals and school test coordinators in appropriate test security and test administration procedures, including the Testing Code of Ethics (Appendix A).
7. I will collect and retain the signed Principal's Secure Materials and Test Procedures Agreement (Appendix D) and School Test Coordinator's Secure Materials and Test Procedures Agreement (Appendix E) if applicable, for each school in the county by September 30.
8. I will not release secure test administration materials to a school without the signed Principal's Secure Materials and Test Procedures Agreement (Appendix D) and verification of training of all other applicable school personnel.

9. I will not disclose individual student test scores or test performance data to unauthorized persons as outlined in FERPA, the Student DATA Act, Policy 4350, the WVDE Data Access and Management Guidance, and Policy 2340.
10. I will not violate test security or the accuracy of the test data or score results by manipulating the test administration, demographic data, or the students' answers or data.
11. I will not share my method of authentication, including, but not limited to, my username and password to access any testing platform or student data/results.
12. I will not give students access to test questions or answer keys.
13. If serving as an examiner for an online assessment, I will not offer technical assistance (e.g., accessing the dictionary, grammar checks, formatting functions, etc.) that might alter the accuracy of student responses in the web-based assessment before, during, or after the administration of the test.
14. I understand that if a breach of test security or copyright infringement occurs as a direct result of my actions, my license/certification may be suspended or revoked, or I may be suspended, terminated, or have other action taken.

Please print your name, sign, and return the County Test Coordinator's Secure Materials and Test Procedures Agreement to the WVDE before access to secure test materials is provided.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

*Signed copies of this form should be kept on file at the county office.*

*If this form is not on file, it will be considered a breach of security by the county and WVBE.*

*This agreement is valid for the academic year of the signatory date and shall be signed before the administration of any tests.*

## Appendix C

### West Virginia Board of Education Policy 2340, West Virginia Measures of Academic Progress

State of West Virginia, County of \_\_\_\_\_

West Virginia Constitution, Article XII, §2; W. Va. Code §18-2E-1a(8), requires that the West Virginia Board of Education “ensure that all statewide assessments of student performance are secure.”

#### **County Technology Coordinator or Technology Vendor Secure Materials and Test Procedures Agreement**

I acknowledge that I will have access to secure assessments in the WV-MAP. I also acknowledge that I have read, understand, and agree to adhere to Policy 2340, including the Testing Code of Ethics (Appendix A), for all assessments within this policy. I understand that these materials are secure, and it is my professional responsibility to protect their security.

I therefore pledge:

1. I will not retain, copy, reproduce, paraphrase, distribute, or review/discuss secure test items, testing materials, or student responses.
2. I will implement or follow (as my position requires) procedures to ensure maximum test security. Access to secure materials, including methods of authentication, will be restricted to the test administration period designated by the state-mandated testing window.
3. I will immediately report any loss of materials, cheating, security breach, testing administration breach, copyright infringement, or other deviation from acceptable security procedures to the county superintendent and the WVDE.
4. I will not release or upload secure test administration materials, questions, answer keys, or other testing materials to a school before having signed this security agreement.
5. I will not disclose individual student test scores or test performance data to unauthorized persons as outlined in FERPA, the Student DATA Act, Policy 4350, the WVDE Data Access and Management Guidance, and Policy 2340.
6. I will not violate test security or the accuracy of the test data and results by manipulating the test administration, demographic data, or the students’ answers or data.
7. I will not share my method of authentication, including, but not limited to, my username and password to access any testing platform or student data/results.
8. I will not provide access to test items or answer keys.
9. If serving as an examiner for an online assessment, I will not offer technical assistance (e.g., accessing the dictionary, grammar checks, formatting functions, etc.) that might alter the accuracy of student responses in the web-based assessment before, during, or after the administration of the test.
10. I understand that, if I am a county employee, and if a breach of test security or copyright infringement occurs as a direct result of my actions, my license/certification may be suspended or revoked, or I may be suspended, terminated, or have other action taken.
11. I understand that, if I am a vendor or employed by a vendor, and if a breach of test security or copyright infringement occurs as a direct result of my actions, the vendor contract may be revoked and other action may be taken.

**126CSR14**

Please print your name, sign, and return the County Technology Coordinator or Technology Vendor Secure Materials and Test Procedures Agreement to the WVDE before access to secure test materials is provided.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

*Signed copies of this form should be kept on file at the county office.*

*If this form is not on file, it will be considered a breach of security by the county and WVBE.*

*This agreement is valid for the academic year of the signatory date and shall be signed before the administration of any tests.*

## Appendix D

### West Virginia Board of Education Policy 2340, West Virginia Measures of Academic Progress

State of West Virginia, County of \_\_\_\_\_

West Virginia Constitution, Article XII, §2; W. Va. Code §18-2E-1a(8), requires that the West Virginia Board of Education “ensure that all statewide assessments of student performance are secure.”

#### Principal's Secure Materials and Test Procedures Agreement

I acknowledge that I will have access to secure assessments in the WV-MAP Progress. I also acknowledge that I have read, understand, and agree to adhere to Policy 2340, including the Testing Code of Ethics (Appendix A), for all assessments within this policy. I understand that these materials are secure, and it is my professional responsibility to protect their security. I agree to complete each assessment's required training.

I therefore pledge:

1. I will not keep, copy, reproduce, paraphrase, distribute, or review/discuss secure test items or student responses.
2. I will implement procedures to ensure maximum test security. Access to secure materials, including methods of authentication, will be restricted to the test administration period designated by the state-mandated testing window.
3. I am responsible for the distribution of secure testing materials, including counting, reconciling, and returning all test booklets/answer sheets (used and unused) according to the instructions provided with the test, before and after each test administration. A record of the number of booklets and other identifying characteristics sent to and returned from my assigned school shall be kept.
4. I am responsible for the test booklets/answer sheets shipped to and returned from my school and will ensure that test materials are securely stored in a locked and secure central location(s) before and immediately following each daily testing session.
5. I will immediately report any loss of materials, cheating, security breach, testing administration breach, copyright infringement, or other deviation from acceptable security procedures to the county test coordinator.
6. I will ensure all applicable personnel receive the proper instruction in appropriate test security and test administration procedures, including the Testing Code of Ethics (Appendix A).
7. I will collect and retain the signed Examiner's/Scribe's Secure Materials and Test Procedures Agreement (Appendix F) and County/School Personnel Secure Materials Agreement (Appendix G) for all applicable personnel in the building no later than five instructional days before the first day of testing. Verification of all trained school personnel with a signed Examiner's/Scribe's Secure Materials and Test Procedures Agreement (Appendix F) and County/School/Personnel Secure Materials Agreement (Appendix G) will be on file with the county test coordinator no later than five instructional days before the first day of testing.

8. I will not disclose individual student test scores or test performance data to unauthorized persons as outlined in FERPA, the Student DATA Act, Policy 4350, the WVDE Data Access and Management Guidance, and Policy 2340.
9. I will not violate test security or the accuracy of the test data score results by manipulating the test administration, demographic data, or the students' answers or data.
10. I will not share my method of authentication, including, but not limited to, my username and password to access any testing platform or student data/results.
11. I will not give students access to test questions or answer keys.
12. I will monitor examiners and students to ensure that only references or tools specifically designated in test manuals or by accommodations are provided.
13. I will check testing rooms before the beginning of test administration to ensure that all specific information, as specified by the test manual, is not displayed in the room during the test administration.
14. I will ensure that examiners comply with the appropriate accommodations for students with IEPs, Section 504 Plans, and EL Plans when so designated in the test manual.
15. I am responsible for monitoring and verifying that the school test coordinator(s), if applicable, has/have fulfilled the assigned duties.
16. If serving as an examiner for an online assessment, I will not offer technical assistance (e.g., accessing dictionary, grammar checks, formatting functions, etc.) that might alter the accuracy of student responses in the web-based assessment before, during, or after the administration of the test.
17. I understand that if a breach of test security or copyright infringement occurs as a direct result of my actions, my license/certification may be suspended or revoked, or I may be suspended, terminated, or have other action taken.

Please print your name, sign, and return the Principal's Secure Materials and Test Procedures Agreement to the county test coordinator before access to secure test materials is provided.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

School: \_\_\_\_\_ Date: \_\_\_\_\_

*Signed copies of this form should be kept on file at the school and the county office.  
If this form is not on file, it will be considered a breach of security by the county and WVBE.  
This agreement is valid for the academic year of the signatory date and shall be signed before  
the administration of any tests.*

## Appendix E

**West Virginia Board of Education Policy 2340, West Virginia Measures of Academic Progress**

State of West Virginia, County of \_\_\_\_\_

West Virginia Constitution, Article XII, §2; W. Va. Code §18-2E-1a(8), requires that the West Virginia Board of Education “ensure that all statewide assessments of student performance are secure.”

**School Test Coordinator's Secure Materials and Test Procedures Agreement (Other than Principal)**

I acknowledge that I will have access to secure assessments in the WV-MAP. I also acknowledge that I have read, understand, and agree to adhere to Policy 2340, including the Testing Code of Ethics (Appendix A), for all assessments within the WV-MAP. I understand that these materials are secure, and it is my professional responsibility to protect their security. I agree to complete each assessment's required training.

I therefore pledge:

1. I will not keep, copy, reproduce, paraphrase, distribute, or review/discuss secure test materials and/or test items or student responses.
2. I will implement procedures to ensure maximum test security. Access to secure materials, including methods of authentication, will be restricted to the test administration period designated by the state-mandated testing window.
3. I will distribute the secure testing materials, including counting, reconciling, and returning all test booklets/answer sheets (used and unused) according to the instructions provided with the test, before and after each test administration. A record of the number of booklets and other identifying characteristics sent to and returned to my school shall be given to and kept by the principal.
4. I am responsible, to the principal, for the test booklets/answer sheets shipped to and returned from my school and will ensure that test materials are securely stored in a locked and secure location(s) before and immediately following each daily testing session.
5. I will immediately report any loss of materials, cheating, security breach, testing administration breach, copyright infringement, or other deviation from acceptable security procedures to the principal.
6. I will ensure all applicable personnel receive the proper instruction in appropriate test security and test administration procedures, including the Testing Code of Ethics (Appendix A), if assigned by the principal to do so.
7. I will collect, if assigned to do so, and give to the principal, the signed Examiner's/Scribe's Secure Materials and Test Procedures Agreement (Appendix F) and County/School Personnel Secure Materials Agreement (Appendix G) for all applicable personnel in the building no later than five instructional days before the first day of testing. Verification of all trained school personnel with a signed Examiner's/Scribe's Secure Materials and Test Procedures Agreement (Appendix F) and County/School Personnel Secure Materials Agreement (Appendix G) will be given to the principal no later than five instructional days before the first day of testing.



8. I will not disclose individual student test scores or test performance data to unauthorized persons as outlined in FERPA, the Student DATA Act, Policy 4350, the WVDE Data Access and Management Guidance, and Policy 2340.
9. I will not violate test security or the accuracy of the test data score results by manipulating the test administration, demographic data, or the students' answers or data.
10. I will not share my method of authentication, including, but not limited to, my username and password to access any testing platform or student data/results.
11. I will not give students access to test questions or answer keys.
12. I will monitor examiners and students to ensure that only references or tools specifically designated in test manuals or by accommodations are provided.
13. I will check testing rooms before the beginning of test administration to ensure that all specific information, as specified by the test manual, is not displayed in the room during the test administration.
14. I will ensure that examiners comply with the appropriate accommodations for students with IEPs, Section 504 Plans, and EL Plans when so designated in the test manual.
15. If serving as an examiner for online assessment, I will not offer technical assistance (e.g., accessing the dictionary, grammar checks, formatting functions, etc.) that might alter the accuracy of student responses in the web-based assessment before, during, or after the administration of the test.
16. I understand that if a breach of test security or copyright infringement occurs as a direct result of my actions, my license/certification may be suspended or revoked, or I may be suspended, terminated, or have other action taken.

Please print your name, sign, and return the School Test Coordinator's Secure Materials and Test Procedures Agreement to the county test coordinator before access to secure test materials is provided.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

School: \_\_\_\_\_ Date: \_\_\_\_\_

*Signed copies of this form should be kept on file at the school and the county office.  
If this form is not on file, it will be considered a breach of security by the county and WVBE.  
This agreement is valid for the academic year of the signatory date and shall be signed before  
the administration of any tests.*

## Appendix F

**West Virginia Board of Education Policy 2340, West Virginia Measures of Academic Progress**

State of West Virginia, County of \_\_\_\_\_

West Virginia Constitution, Article XII, §2; W. Va. Code §18-2E-1a(8), requires that the West Virginia Board of Education “ensure that all statewide assessments of student performance are secure.”

**Examiner’s/Scribe’s Secure Materials and Test Procedures Agreement**

I acknowledge that I will have access to secure assessments in the WV-MAP. I also acknowledge that I have read, understand, and agree to adhere to Policy 2340, including the Testing Code of Ethics (Appendix A), for all assessments within this policy. I understand that these materials are secure, and it is my professional responsibility to protect their security. I agree to complete each assessment’s required training.

I therefore pledge:

1. I will not keep, copy, reproduce, paraphrase, distribute, or review/discuss secure test materials and/or test items.
2. I will not use test items, test booklets/answer sheets, or any of the information contained in an assessment to review/prepare students for a test.
3. I will not allow access to the test materials or answer keys to any student or any other person not so authorized by the principal.
4. I will not alter students’ responses in any manner (indicate answers, point out the rationale, prompt, etc.).
5. I will not share my method of authentication, including, but not limited to, my username and password to access any testing platform or student data/results.
6. I will not disclose individual student test scores or test performance data to unauthorized persons as outlined in FERPA, the Student DATA Act, Policy 4350, the WVDE Data Access and Management Guidance, and Policy 2340.
7. If serving as an examiner for the alternate assessment, I will adhere to the prompting hierarchies and document all applicable assistive technology to ensure the accuracy of student responses.
8. If serving as an examiner for students with IEPs, Section 504 Plans, or EL Plans, I will adhere to the accommodations listed therein and monitor using the appropriate process as identified by the WVDE.
9. If serving as an examiner for an online assessment, I will not offer technical assistance (e.g., accessing the dictionary, grammar checks, formatting functions, etc.) that might alter the accuracy of student responses in the web-based assessment before, during, or after the administration of the test.
10. I understand that I can only use an electronic device, such as a cell phone, during test administration only to communicate directly with the principal and/or school test coordinator to address any immediate issues (e.g., technology issues, medical emergencies, testing disruptions, etc.) that might arise during testing.

11. I understand that electronic devices used in alleged cheating cases will be confiscated until the county, in consultation with local legal counsel, has determined the device contains no secure testing information.
12. I have read and understand Policy 2340.
13. I understand that if a breach of test security or copyright infringement occurs as a direct result of my actions, my license/certification/permit may be suspended or revoked, or I may be suspended, terminated, or have other action taken.

Please print your name, sign, and return the Examiner's/Scribe's Secure Materials and Test Procedures Agreement to the appropriate test administrator five instructional days before administering any assessment.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Position: \_\_\_\_\_

School: \_\_\_\_\_ Date: \_\_\_\_\_

*Signed copies of this form should be kept on file at the school and the county office.  
If this form is not on file, it will be considered a breach of security by the county and WVBE.  
This agreement is valid for the academic year of the signatory date and shall be signed before  
the administration of any tests.*

## Appendix G

**West Virginia Board of Education Policy 2340, West Virginia Measures of Academic Progress**

State of West Virginia, County of \_\_\_\_\_

West Virginia Constitution, Article XII, §2; W. Va. Code §18-2E-1a(8), requires that the West Virginia Board of Education “ensure that all statewide assessments of student performance are secure.”

**County/School Personnel Secure Materials Agreement**

(For all personnel with access to secure materials who will not administer or transcribe an assessment.)

I acknowledge that I will have access to secure assessments in the WV-MAP. I also acknowledge that I have read, understand, and agree to adhere to Policy 2340, including the Testing Code of Ethics (Appendix A), for all assessments within this policy. I understand that these materials are secure, and it is my professional responsibility to protect their security.

I therefore pledge:

1. I will not keep, copy, reproduce, paraphrase, distribute, or review/discuss secure test materials and/or test items.
2. I will not allow access to the test materials or answer keys to any person unless authorized to do so by the county test coordinator or principal.
3. I will not alter students’ responses in any manner.
4. I will not share my method of authentication, including, but not limited to, my username and password to access any testing platform or student data/results.
5. I will immediately report any loss of materials, damages, or other deviations from acceptable security procedures to either the county test coordinator or principal.
6. I will not offer technical assistance (e.g., accessing the dictionary, grammar checks, formatting functions, etc.) that might alter the accuracy of student responses in the web-based assessment, before, during, or after the administration of the test.
7. I understand that if a breach of test security or copyright infringement occurs as a direct result of my action(s), my license/certification, if applicable, may be suspended or revoked, or I may be suspended, terminated, or have other action taken.

Please print your name, sign, and return the County/School Personnel Secure Materials Agreement to the county test coordinator or principal before access to secure test materials is provided.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Position: \_\_\_\_\_

School/Department: \_\_\_\_\_ Date: \_\_\_\_\_

*Signed copies of this form should be kept on file at the school and the county office.  
If this form is not on file, it will be considered a breach of security by the county and WVBE.  
This agreement is valid for the academic year of the signatory date and shall be signed before  
the administration of any tests.*

## Appendix H

**West Virginia Board of Education Policy 2340, West Virginia Measures of Academic Progress**

State of West Virginia, County of \_\_\_\_\_

West Virginia Constitution, Article XII, §2; W. Va. Code §18-2E-1a(8), requires that the West Virginia Board of Education “ensure that all statewide assessments of student performance are secure.”

**WVDE/County/School Technology Personnel Secure Materials and Test Procedures Agreement  
(For all technology personnel with access to online testing systems.)**

I acknowledge that I will have access to secure assessments in the WV-MAP. I also acknowledge that I have read, understand, and agree to adhere to Policy 2340, including the Testing Code of Ethics (Appendix A), for all assessments within this policy, including pilot tests and field tests sanctioned by WVDE. I understand that these materials are secure, and it is my professional responsibility to protect their security.

I therefore pledge:

1. I will implement procedures to ensure maximum test security. Access to secure materials, including methods of authentication, will be restricted to the test administration period designated by the state-mandated testing window.
2. I will ensure that all secure content and security features have been installed and/or updated on all devices to be used for administering statewide assessments and shall ensure the school’s wireless connections are secure for testing.
3. I will not access operational test materials or answer keys.
4. I will not provide access to test items or answer keys.
5. I will not keep, copy, reproduce, paraphrase, distribute, or review/discuss secure test materials and/or test items.
6. I will not answer any items on the operational test as a student or with a fictitious name.
7. I will not share my method of authentication, including, but not limited to, my username and password to access any testing platform or student data/results.
8. I will immediately report any loss of materials, damages, or other deviations from acceptable security procedures to either the county test coordinator or principal.
9. I understand that if a breach of test security or copyright infringement occurs as a direct result of my action(s), my license/certification, if applicable, may be suspended or revoked, or I may be suspended, terminated, or have other action taken.

Please print your name, sign, and return the WVDE/County/School Technology Secure Materials Agreement to the county test coordinator or principal before access to secure test materials is provided.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Position: \_\_\_\_\_

School/Department: \_\_\_\_\_ Date: \_\_\_\_\_

*Signed copies of this form should be kept on file at the school and the county office.  
If this form is not on file, it will be considered a breach of security by the county and WVBE.  
This agreement is valid for the academic year of the signatory date and shall be signed before  
the administration of any tests.*

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West Virginia Board of Education  
Policy 2340, West Virginia Measures of Academic Progress

By signing my name below, I acknowledge that I have received training in secure materials, test procedures, test administration, and Policy 2340 for the assessment indicated by a V.

By signing below, I verify I have trained the above personnel in secure materials, test procedures, and test administration for the indicated assessment.

Date \_\_\_\_\_

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**W. Va. 126CSR14, Policy 2340, West Virginia Measure of Academic Progress  
Comment Response Form**

**Comment Period Ends: May 16, 2022**

**NOTICE:** *Comments, as submitted, shall be filed with the West Virginia Secretary of State's Office and open for public inspection and copying for a period of not less than five years.*

The following form is provided to assist those who choose to comment on **Policy 2340, West Virginia Measures of Academic Progress**. Additional sheets may be attached, if necessary.

Name: \_\_\_\_\_ Organization: \_\_\_\_\_

Title: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Please check the box below that best describes your role.

Please check the box below that best describes your role.

- |   |   |  |   |
|---|---|--|---|
| <input type="checkbox"/> County Board Member  | <input type="checkbox"/> Professional Support Staff | <input type="checkbox"/> Service Personnel | <input type="checkbox"/> Higher Education |
| <input type="checkbox"/> Superintendent       | <input type="checkbox"/> Principal                  | <input type="checkbox"/> Parent/Family     | <input type="checkbox"/> Legislator       |
| <input type="checkbox"/> Central Office Staff | <input type="checkbox"/> Teacher                    | <input type="checkbox"/> Community Member  | <input type="checkbox"/> Other            |

COMMENTS/SUGGESTIONS
§126-14-1. General.
§126-14-2. Purpose.
§126-14-3. Definitions.
§126-14-4. Program Regulations.
§126-14-5. Administration Regulations.
§126-14-6. Reporting Regulations.
§126-14-7. Test Security.

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<b>§126-14-8. Investigation of Alleged Cheating/Security Breach/Testing Administration Breach/Copyright Infringement.</b>
<b>§126-14-9. Severability.</b>
<b>Appendix A. Testing Code of Ethics</b>
<b>Appendix B. County Test Coordinator's Secure Materials and Test Procedures Agreement</b>
<b>Appendix C. County Technology Coordinator or Technology Vendor Secure Materials and Test Procedures Agreement</b>
<b>Appendix D. Principal's Secure Materials and Test Procedure Agreement</b>
<b>Appendix E. School Test Coordinator's Secure Materials and Test Procedures Agreement (Other than Principal)</b>
<b>Appendix F. Examiner's/Scribe's Secure Materials and Test Procedures Agreement</b>
<b>Appendix G. County/School Personnel Secure Materials Agreement</b>
<b>Appendix H. WVDE/County/School Technology Personnel Secure Materials and Test Procedures Agreement</b>
<b>Appendix I. Verification of Training for Principals, School Test Coordinators, County/School Personnel (Examiners/Scribes/Other School Personnel)</b>

Please direct all comments to:

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West Virginia Department of Education  
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Charleston, West Virginia 25305-0330  
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